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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,067	08/23/2000	Jesper Andersen	367.38905X00	1491

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/644,067	ANDERSEN ET AL.	
	Examiner	Art Unit	
	Eugene Yun	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6 and 16, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 11, 12, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (US 5,113,435).

Referring to Claim 1, Chen teaches a communication unit (fig. 1) with a personalizing feature being the exposure of a picture 16 (fig. 1) on the communication

unit characterized in that the communication unit is provided with a holder 15 (fig. 1) for holding said releasable picture, and that said holder is provided with a cover part 11 (fig. 1) through which the picture is exposed.

Referring to Claim 11, Chen teaches a method for personalizing a communication unit (fig. 1) characterized in providing a communication unit with a holder 15 (fig. 1) and placing and replacing a picture 16 (fig. 1) in said holder.

Referring to Claim 12, Chen teaches a cover part 11 (fig. 1) for personalizing a communication unit by exposing a picture 16 (fig. 1) on the communication unit characterized in that the cover part is provided with a picture guide 15 (fig. 1) for holding said releasable picture, and that said picture is provided with a cover part 11 (fig. 1) through which the picture is exposed.

Referring to Claim 18, Chen teaches a method for personalizing a communication unit characterized in placing a picture 16 (fig. 1) in a picture guide 15 (fig. 1) on a cover part 11 (fig. 1) of the communication unit.

Referring to Claim 2, Chen also teaches the picture located on a cover part 14 (fig. 1) of the communication unit.

Referring to Claim 6 and 16, Chen also teaches the picture guide including a plastic film attached to the cover part along three sides of the film (see fig. 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 7, 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of LeBoff et al. (US 5,502,912) and Herrndobler (US 5,619,814).

Referring to Claims 3 and 13, Chen does not teach a picture guide comprising of a holding flap of a plastic film that is at one end attached to the cover part of the communication unit. LeBoff teaches a picture guide comprising of a holding flap (fig. 3) of a plastic film that is at one end attached to the cover part 40 (fig. 3) of the communication unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of LeBoff to said unit of Chen in order to more conveniently insert and remove pictures in a communication unit. The combination of Chen and LeBoff does not teach an adhesive strip in the middle part of the flap. Herrndobler teaches an adhesive strip in the middle part of the flap 31 (fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Herrndobler to said unit of Chen in order to better prevent misplacement of photos or pictures in a holder.

Referring to Claims 4 and 14, Herrndobler also teaches the adhesive strip in the middle part of the flap holding a picture in the same place while in the picture guide (see col. 5, lines 41-52).

Referring to Claims 7 and 17, Herrndobler also teaches an adhesive, transparent film whereon a photo has been placed, that is attached to the cover part (see col. 5, lines 41-52).

7. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Sharp (US 3,921,322).

Referring to Claims 5 and 15, Chen does not teach the picture guide including small stickers placed in all four corners of the picture. Sharp teaches the picture guide including small stickers placed in all four corners of the picture (see col. 1, lines 13-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Sharp to said unit of Chen in order to better prevent misplacement of photos or pictures in a holder.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Yasuda et al. (US 4,405,219).

Referring to Claim 8, Chen does not teach the holder located in the display assembly. Yasuda teaches the holder located in the display assembly (see ABSTRACT). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Yasuda to said unit of Chen in order to more uniquely personalize a communication unit.

Referring to Claim 9, Yasuda also teaches said picture including a sheet having at least one picture part and one extractive part, and that the picture part has

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substantially the same size as the display and the extractable part projects from a slot between the display and a light guide wherein the picture part has been inserted (see ABSTRACT and fig. 60).

Referring to Claim 10, Yasuda also teaches the holder provided with an insert whereon the picture is mounted and that the insert is inserted in a slot between the display and a light guide (see ABSTRACT).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2682

EY
April 30, 2003

Lee Nguyen 
Primary Examiner